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General Assembly

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Human Rights Council
Thirtieth session
Agenda item 2
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Belgium,* Czech Republic,* Germany, Ireland, Luxembourg,* Montenegro, Netherlands, Poland:* draft resolution

30/... Situation of human rights in Yemen

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the relevant human rights treaties,

Recalling Security Council resolutions 2014 (2011) of 21 October 2011, 2051 (2012) of 12 June 2012 and 2140 (2014) of 26 February 2014, and Human Rights Council resolutions 18/19 of 29 September 2011, 19/29 of 23 March 2012, 21/22 of 27 September 2012, 24/32 of 27 September 2013 and 27/19 of 25 September 2014,

Recalling also Security Council resolution 2216 (2015) of 14 April 2015,

Recognizing that the promotion and the protection of human rights are key factors in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability for the country,

Welcoming the acceptance by Yemeni political parties to complete the political transition process on the basis of the Gulf Cooperation Council initiative and its implementation mechanism, and emphasizing the need for the implementation of the recommendations made in the outcome document of the National Dialogue Conference and to complete the drafting of a new Constitution,

Welcoming also the commitment to find a political solution of the conflict in Yemen on the basis of the Gulf Cooperation Council initiative, the outcomes of the National Dialogue Conference and Security Council resolution 2216 (2015), and the efforts of the Secretary-General and of his Special Envoy for Yemen,

* Non-member State of the Human Rights Council.

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Recalling its call for an investigation into all cases of violations and abuses of human rights and of violations of international humanitarian law, and the relevant calls made by the United Nations High Commissioner for Human Rights,

Noting Presidential Decree No. 13 of 7 September 2015 appointing the members of the national independent commission of inquiry to investigate allegations of human rights violations in and since 2011, in accordance with Human Rights Council resolutions 19/29, 24/32 and 27/19,

Aware of reports by the Office for the Coordination of Humanitarian Affairs that the existing humanitarian emergency affects the enjoyment of social and economic rights, and also of the appeal by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator that the parties to the conflict must ensure that humanitarian aid is facilitated and not hindered,

Noting the temporary interruption of the provision of technical assistance and capacity-building in the field of human rights owing to the deterioration in the political and security situation in Yemen,

1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Yemen,[1] and calls upon all parties to address the recommendations made in the report;

2. *Notes* the debate held during the thirtieth session of the Human Rights Council, as well as the statement and comments by the Government of Yemen on the report of the High Commissioner, and notes with appreciation its willingness to cooperate with the United Nations and the Office of the High Commissioner;

3. *Expresses deep concern* at the reports of serious abuse and violations of international human rights law and violations of international humanitarian law in Yemen by all parties, including indiscriminate attacks resulting in the killing and injuring of civilians, and expresses deep concern specifically at the role of militias, including in the continued recruitment of children contrary to international law, the abduction of political activists, the detaining of journalists, the cutting of electricity and water supplies, and the attacks against hospitals and ambulances;

4. *Also expresses deep concern* at the ongoing armed violence in Yemen, and in particular the recent escalation of violence near Sana'a;

5. *Calls upon* all parties to respect their obligations under international human rights law and international humanitarian law, to stop immediately attacks on civilians, to ensure humanitarian access to the affected population nationwide, and to allow commercial imports to all Yemeni ports;

6. *Calls upon* the Government to take measures to protect civilians, and to take appropriate measures to ensure an effective investigation, in accordance with international standards and with a view to ending impunity, into all cases of violations and abuse of human rights and of violations of international humanitarian law, including cases of violence against journalists and the detention of journalists and political activists, while securing the viability of that investigation;

7. *Calls upon* all Yemeni parties to enter into a political process in an inclusive, peaceful and democratic way, ensuring that women are part of political and peacemaking processes, also calls upon all Yemeni parties to implement fully the relevant Security Council resolutions, the implementation of which will contribute to the improvement in the

[1] A/HRC/30/31.

human rights situation, and notes that Security Council resolution 2216 (2015) contains specific concerns and/or places particular demands on Saleh- and Houthi-led militias, including to release safely political prisoners and journalists;

8. *Demands* that all parties to the conflict end the recruitment and use of children and release those who have already been recruited, and calls upon all parties to cooperate with the United Nations for their reintegration into their communities, taking into consideration the relevant recommendations made by the Secretary-General in his report on children and armed conflict;[2]

9. *Reiterates* the commitments and obligations of the Government of Yemen to promote and protect the human rights of all individuals within its territory and subject to its jurisdiction, and in that connection recalls that Yemen is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography thereto, the Convention on the Rights of Persons with Disabilities and the Convention relating to the Status of Refugees and the Protocol thereto, and looks forward to the Government furthering its efforts to promote and protect human rights;

10. *Expresses deep concern* at the deteriorating humanitarian situation in Yemen, expresses its appreciation to donor States and to organizations working on the ground towards improving the humanitarian situation, and calls upon the international community to provide financial support for the Yemen humanitarian response plan of 2015, and to fulfil their pledges to the relevant United Nations humanitarian appeal;

11. *Invites* all bodies of the United Nations system, including the Office of the High Commissioner, and Member States to assist the transitional process in Yemen, including by supporting the mobilization of resources to tackle the consequences of the violence and the economic and social challenges faced by Yemen, in coordination with the international donor community and according to the priorities set by the Yemeni authorities;

12. *Requests* the High Commissioner to provide technical assistance and to work with the Government of Yemen, as required, in the field of capacity-building and to identify additional areas of assistance to enable Yemen to fulfil its human rights obligations; and specifically requests the Office of the High Commissioner to assist the national independent commission of inquiry in meeting international standards and in collecting information on violations and abuse of human rights and on violations of international humanitarian law since September 2014;

13. *Requests* the Office of the High Commissioner to dispatch a mission, with assistance from relevant experts, to monitor and report on the situation of human rights in Yemen, on violations and abuse of human rights and on violations of international humanitarian law since September 2014, and to collect and conserve information in order to establish the facts and circumstances of such violations, while stressing the need to ensure the safety and security of mission personnel;

[2] A/68/878–S/2014/339.

14. *Requests* the Office of the High Commissioner to present to the Human Rights Council, at its thirty-third session, a progress report on the situation of human rights in Yemen and on the follow-up to the present and to previous Council resolutions, and to present an oral update at its thirty-first session.

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Recognizing that the promotion and the protection of human rights are key factors in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability for the country,

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Recalling its call for an investigation into all cases of violations and abuses of human rights and of violations of international humanitarian law, and the relevant calls made by the United Nations High Commissioner for Human Rights,

Acknowledging Presidential Decree No. 13 of 7 September 2015 appointing the members of the national independent commission of inquiry to investigate allegations of human rights violations in and since 2011, in accordance with Human Rights Council resolutions 19/29, 24/32 and 27/19,

Aware of reports by the Office for the Coordination of Humanitarian Affairs that the existing humanitarian emergency affects the enjoyment of social and economic rights, and also of the appeal by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator that the parties to the conflict must ensure that humanitarian aid is facilitated and not hindered,

Noting the temporary interruption of the provision of technical assistance and capacity-building in the field of human rights owing to the deterioration in the political and security situation in Yemen,

1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Yemen,[1] and calls upon all parties to address the recommendations made in the report;

2. *Takes note of* the debate held during the thirtieth session of the Human Rights Council, as well as the statement and comments by the Government of Yemen on the report of the High Commissioner, and takes note with appreciation its willingness to cooperate with the United Nations and the Office of the High Commissioner;

3. *Expresses deep concern* at the reports of serious abuse and violations of international human rights law and violations of international humanitarian law in Yemen by all parties, including indiscriminate attacks resulting in the killing and injuring of civilians, and expresses deep concern specifically at the role of militias, including in the continued recruitment of children contrary to international law, the abduction of political activists, the detaining of journalists, the cutting of electricity and water supplies, and the attacks against hospitals and ambulances;

4. *Also expresses deep concern* at the ongoing armed violence in Yemen, and in particular the recent escalation of violence approaching Sana'a;

5. *Calls upon* all parties to respect their obligations under international human rights law and international humanitarian law, to stop immediately attacks on civilians, to ensure humanitarian access to the affected population nationwide, and to allow commercial imports to all Yemeni ports;

6. *Calls upon* the Government to take measures to protect civilians, and to take appropriate measures to ensure an effective investigation, in accordance with international standards and with a view to ending impunity, into all cases of violations and abuse of human rights and of violations of international humanitarian law, including cases of violence against journalists and the detention of journalists and political activists, while securing the viability of that investigation;

7. *Calls upon* all Yemeni parties to enter into a political process in an inclusive, peaceful and democratic way, ensuring that women are part of political and peacemaking processes, also calls upon all Yemeni parties to implement fully the relevant Security Council resolutions, the implementation of which will contribute to the improvement in the

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human rights situation, and notes that Security Council resolution 2216 (2015) contains specific concerns and/or places particular demands on Saleh- and Houthi-led militias, including to release safely political prisoners and journalists;

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9. *Reiterates* the commitments and obligations of the Government of Yemen to promote and protect the human rights of all individuals within its territory and subject to its jurisdiction, and in that connection recalls that Yemen is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography thereto, the Convention on the Rights of Persons with Disabilities and the Convention relating to the Status of Refugees and the Protocol thereto, and looks forward to the Government furthering its efforts to promote and protect human rights;

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12. *Requests* the High Commissioner to provide technical assistance and to work with the Government of Yemen, as required, in the field of capacity-building and to identify additional areas of assistance to enable Yemen to fulfil its human rights obligations, and specifically requests the Office of the High Commissioner to assist the national independent commission of inquiry in meeting international standards in its work;

[2] A/68/878–S/2014/339.

13. *Requests* the Office of the High Commissioner, together with relevant experts and dedicated support staff, to monitor the situation of human rights in Yemen, to collect and conserve information – benefiting from access to the whole country, to be facilitated by all relevant parties – in order to establish the facts and circumstances of the serious violations and abuses committed by all parties in Yemen since September 2014, and to present to the Human Rights Council, at its thirty-first session, an oral update on the follow-up to the present resolution and previous Council resolutions, including in particular a comprehensive review of the set-up, progress and work of the national independent commission of inquiry, and to present a comprehensive report, followed by a debate, at its thirty-third session.